

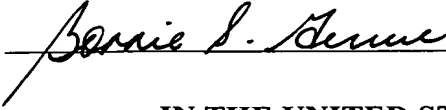
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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant: Theo T.M. Bogaert et al : Paper No.:
Serial No.: 09/777,510 : Group Art Unit: 3764
Filing Date: February 6, 2001 : Examiner: D. D. DeMille
For: **Intraocular Lenses**

TRANSMITTAL OF SUPPLEMENTAL REPLY BRIEF

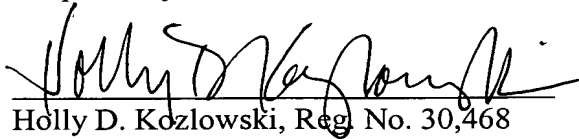
Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Submitted herewith in **triplicate** is a Supplemental Reply Brief in response to the Supplemental Examiner's Answer mailed September 17, 2004.

Please charge any fees required in connection with the present communication to Deposit Account No. 04-1133.

Respectfully submitted,



Holly D. Kozlowski, Reg. No. 30,468
Dinsmore & Shohl LLP
1900 Chemed Center
255 East Fifth Street
Cincinnati, Ohio 45202
(513) 977-8568



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Bernie S. Henne

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SUPPLEMENTAL REPLY BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Supplemental Reply Brief is in response to the Supplemental Examiner's Answer dated September 17, 2004.

The Supplemental Examiner's Answer maintains that Figure 17 as well as Figure 26 of Feingold teach embodiments where it is desired to have a non-spherical posterior surface and that other figures disclose embodiments that teach a posterior surface having a flawless curve free from discontinuities and points of inflection to avoid contact with the natural lens that would suggest the embodiment of Figure 17 would also have a surface free from discontinuities and points of inflection to avoid contact with the natural lens.

Applicants submit that this assertion from the Supplemental Examiner's Answer is not supported by the evidence of record and impermissibly employs hindsight in modifying the teachings of Feingold to result in the presently claimed intraocular correction lens. That is, as Applicants have previously noted, Figure 17 of Feingold appears to disclose a lens having a

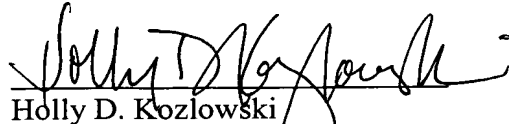
point of inflection, R8. Moreover, while certain figures of Feingold appear to disclose a posterior surface free from discontinuities and points of inflection, these figures disclose spherical posterior surfaces. For example, the lens of Figs. 1 and 4 have a single inner curvature SR_i , rather than a non-spherical concave posterior surface as presently claimed.

Moreover, contrary to the Examiner's assertion, Applicants find no teaching by Feingold that any of the disclosed lens are provided with a posterior surface having a flawless curve free from discontinuities and points of inflection to avoid contact with the natural lens of the eye. Rather, Feingold discloses that at least a part of the posterior surface of the intraocular lens is separated from the interior surface of the natural crystalline lens to form a spacing between the intraocular lens and the natural crystalline lens (column 5, lines 4-8). Finally, the Examiner has failed to provide any motivation, other than Applicants' disclosure, for modifying the lens configuration of Fig. 17, which appears to include a point of inflection, to include a feature of Figs. 1 and 4 which disclose lenses having a spherical posterior surface. Thus, the assertion in the Supplemental Examiner's Answer and the asserted modification of the figures of Feingold are not supported by the evidence of record.

Finally, the Supplemental Examiner's Answer also again relies on the teachings of Wanders. However, the Examiner has yet to indicate how the teachings of Wanders, directed to a contact lens, are relevant to an intraocular lens as taught by Feingold which is designed to provide a spacing from the natural crystalline lens. The requisite motivation for combining references is therefore absent and the rejection based on the combination of Feingold and Wanders should be reversed.

For the reasons set forth above, in Applicants' Reply Brief and in Applicant's Appeal Brief, it is believed that the rejections under 35 U.S.C. §103 should be reversed. Favorable action by the Board is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Holly D. Kozlowski", written over a horizontal line.

Holly D. Kozlowski

Registration No. 30,468

Dinsmore & Shohl LLP

1900 Chemed Center

255 East Fifth Street

Cincinnati, Ohio 45202

513-977-8568

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